

Dennis R. James, No. 1642
Brian H. Hess, No. 10313
MORGAN, MINNOCK, RICE & JAMES, L.C.
Kearns Building, Eighth Floor
136 South Main Street
Salt Lake City, Utah 84101
Telephone No.: (801) 531-7888
Facsimile No.: (801) 531-9732
djames@mmrj.com
Attorneys for Defendant Ted Baer

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

INCENTIVE CAPITAL, LLC, a Utah Limited Liability Company,	:	DEFENDANT TED BAER'S
	:	MOTION TO RECONSIDER
	:	ORDER ON PLAINTIFFS
Plaintiff,	:	MOTION FOR EXTENSION OF
	:	TIME TO RESPOND TO
vs.	:	DEFENDANT TED BAER'S
	:	MOTION TO DISMISS FOR
CAMELOT ENTERTAINMENT GROUP, INC., a Delaware Corporation; CAMELOT FILM GROUP, INC., a Nevada Corporation; CAMELOT DISTRIBUTION GROUP, INC., a Nevada Corporation; ROBERT P. ATWELL, an individual; JAMIE R. THOMPSON, an individual; STEVEN ISTOCK, an individual; TED BAER, an individual; PETER JAROWEY, an individual,	:	LACK OF JURISDICTION
	:	
	:	
	:	Civil No. 2:11-CV-00288
	:	
	:	Honorable Clark Waddoups
Defendants.	:	

Defendant Ted Baer, appearing specially by and through his attorneys of record, hereby motions the court to reconsider its Order on Plaintiff's Motion for Extension of Time to Respond to Defendant Ted Baer's Motion to Dismiss for Lack of Jurisdiction. Pursuant to Rule 54(b) of

the Federal Rules of Civil Procedure and the Court's broad discretion, the Court can reconsider its interlocutory orders at any time. Fed. R. Civ. P. 54(b); *see, e.g., Anderson v. Deere & Co.*, 852 F.2d 1244, 1246 (10th Cir. 1988) ("It is within the District Judge's discretion to revise his interlocutory orders prior to entry of final judgment."); *Artificial Nail Technologies, Inc. v. Flowering Scents, LLC*, 2007 WL 3254744 (D. Utah Nov. 2, 2007).

The Court entered the Order on July 1, 2011, on the same day Defendant Ted Baer filed Defendant's Opposition to Plaintiff's Motion for Extension of Time to Respond Defendant Ted Baer's Motion to Dismiss for Lack of Jurisdiction. Defendant Ted Baer's opposition was filed within the 14 days allotted by the Federal Rules of Civil Procedure for opposing motions. *See* DUCivR 7-1(B). Defendant Ted Baer accordingly requests that the Court reconsider its entry of the July 1, 2001 Order on Plaintiff's Motion for Extension of Time to Respond to Defendant Ted Baer's Motion to Dismiss for Lack of Jurisdiction and consider Defendant Ted Baer's opposition to the Motion.

DATED this 1st day of July, 2011.

MORGAN, MINNOCK, RICE & JAMES, L.C.

/s/ Dennis R. James
Dennis R. James
Brian H. Hess
Counsel for Defendant Ted Baer

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of July, 2011, I electronically filed a true and correct copy of the foregoing **DEFENDANT TED BAER'S MOTION TO RECONSIDER ORDER ON PLAINTIFFS MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANT TED BAER'S MOTION TO DISMISS FOR LACK OF JURISDICTION** with the Clerk of Court using the CM/ECF system which sent notification of such filing to the following:

Joseph G. Pia
Nathan S. Dorius
PIA ANDERSON DORIUS REYNARD &
MOSS, PLLC
joe.pia@padrm.com
nathan@padrm.com
Attorneys for Plaintiff

John A. Snow
Karen E. O'Brien
VAN COTT BAGLEY CORNWALL &
McCARTHY
jsnow@vancott.com
kobrien@vancott.com
*Attorneys for Defendants Camelot, Atwell,
Thompson and Istock*

Jonathan M. Levitan
jonathanlevitan@aol.com
*Attorneys for Defendants Camelot, Atwell,
Thompson and Istock*

Wayne G. Petty
MOYLE & DRAPER, P.C.
wayne@moylelawfirm.com
Attorneys for Defendant Peter Jarowey

Marc E. Kasowitz
David J. Shapiro
KASOWITZ, BENSON, TORRES &
FRIEDMAN LLP
mkasowitz@kasowitz.com
dshapiro@kasowitz.com
Attorneys for Defendant Peter Jarowey

/s/ Lynette Ambrose
